



07-22-04

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
Stanford Research Park
700 Hansen Way
Palo Alto, CA 94304

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JUL 26 2004

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Facsimile
OFFICE OF PETITIONS
(650) 849-6666

TRANSMITTAL LETTER

TO

Name: Office of Petitions /
Director or SPRE, Group 2100 (2132)
At: U.S. Patent & Trademark Office

FROM

Name: Andrew B. Schwaab
Phone No.: (650) 849-6643

Subject: Petition to Withdraw Holding of
Abandonment

Date: July 20, 2004

Your File No.: 09/870,801

Our Ref: 07451.0001-18000

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✓ AUG 03 2004

Technology Center 2100

Re: Serial No.: 09/870,801

Filed: June 1, 2001

Inventor: GINTER et al.

Title: SYSTEMS AND METHODS FOR SECURE TRANSACTION
MANAGEMENT AND ELECTRONIC RIGHTS PROTECTION

Please find enclosed:

1. Petition to Withdraw Holding of Abandonment (5 pages); and
2. Exhibits A-F

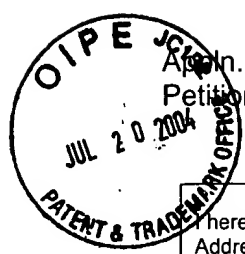
CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2004. Express Mail Label No.: EV 527339445 US

Signed: _____

Andrew B. Schwaab
Andrew B. Schwaab

#9



App. No. 09/870,801
Petition re: Notice of Abandonment mailed 5/20/04

PATENT
Customer No. 22,852
Attorney Docket No. 7451.0001-18000
InterTrust Ref. No.: IT-5.2.1.1 (US)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2004. Express Mail Label No.: EV 527339445 US

Signed: Andrew B. Schwaab
Andrew B. Schwaab

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 26 2004

OFFICE OF PETITIONS

In re Application of:)
)
GINTER et al.)
)
Application No.: 09/870,801)
)
Filed: June 1, 2001)
)
For: SYSTEMS AND METHODS FOR)
SECURE TRANSACTION)
MANAGEMENT AND)
ELECTRONIC RIGHTS)
PROTECTION)
)
)

Group Art Unit: 2132
Examiner: DARROW, Justin T.

RECEIVED

AUG 03 2004

Technology Center 2100

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicants hereby petition the Commissioner for Patents, under the provisions of 37 C.F.R. § 1.181, to withdraw the holding of abandonment for the above-identified application. Applicants contend that the application should not have been abandoned and, therefore, this petition under 37 C.F.R. § 1.181 is appropriate. See M.P.E.P. § 711.03(c) (8th ed. Feb. 2003). This petition is being filed within two (2) months of the mail date of the Notice of Abandonment and is thus timely under 37 C.F.R. § 1.181(f).

The Notice of Abandonment (Exhibit A) states that the present application is abandoned in view of Applicants' alleged failure to timely file a proper reply to the Office action dated September 26, 2003. The Notice indicates that no reply had been received by the Office as of May 20, 2004. However, Applicants have submitted an adequate response, a full copy of which, including the date-stamped postcard showing receipt by the Office on March 26, 2004, is attached as Exhibit B.

Furthermore, these papers were received by the Office as indicated by both the stamped and returned post card attached again as Exhibit C and the fact that proper deductions were made from the relevant deposit account for all of the papers necessitating fees. Specifically, both the \$950.00 3-month extension fee and the \$180.00 Information Disclosure Statement fee were deducted from deposit account No. 06-0916, in connection with the instant application, on March 31, 2004 (see Exhibit D).

In a telephone conversation on June 21, 2004, SPE Gilberto Barrón, Jr. explained that in connection with Group 2100's move to IFWs (Image File Wrappers), the Office's new electronic document capture procedures may have caused portions of Applicants' responses to be lost or, at the very least, not reunited with the official file.¹ As a result of this new process, the Amendment and Response and other lost papers were separated from the remainder of Applicants' submission, and have not yet been reappeared in the Office's records, thereby preventing the Group from readily knowing

¹ Indeed, the problem has caused erroneous abandonment of other cases due to similar disappearances of Response papers; for example, in at least one other such case (Appln. No. 09/398,665), papers such as the Information Disclosure Statements and the Extension of Time did make it into the file, while the Amendment itself was lost. Please see below for additional information on this other abandoned case.

that such papers were correctly and timely filed. In light of these events, Applicants respectfully request: (1) that the timely-filed amendment and response (attached hereto) as well as the Rule 56 submissions be entered into the prosecution file as of the date it was filed; (2) that the papers be considered by the Office; and also (3) that Applicants' patent term not be negatively impacted by the misdirection of the lost papers.

Furthermore, Applicants have learned that the Information Disclosure Statement processing office has recently encountered substantial delays, and that it is quite possible that the missing papers are still located in that department, waiting to be scanned. An inquiry to that department, or allowance of a professional search service firm to inquire on our behalf, would be very much appreciated to explore this possibility.

As discussed with both SPE Barrón and Examiner Darrow, Applicants encountered a similar issue (abandonment despite filing of appropriate Amendment and Response) with regard to Application No. 09/398,665 ("the '665 application"). In that case, the Office was able to find the missing documents and notified Applicants, that the Office had withdrawn the holding of abandonment of the '665 application.

The latest record on PAIR indicates that the lost papers relating to the instant application have not yet been located at the Office, but Applicants believe the facts here merit a similar withdrawal of the abandonment in this case.

Applicants request that the Office take special care to locate the missing papers, as they represent a resubmission of documents previously lost by the Office, namely (1) an Information Disclosure Statement / form PTO-1449, and (2) a Notice of Pending Litigation, both filed on October 31, 2002 (see stamped postcard attached hereto as

Appln. No. 09/870,801
Petition re: Notice of Abandonment mailed 5/20/04

PATENT
Customer No. 22,852
Attorney Docket No. 7451.0001-18000
InterTrust Ref. No.: IT-5.2.1.1 (US)

Exhibit E), as well as (3) an Updated Notice Regarding Related Litigation filed on April 3, 2002 (see stamped postcard attached as Exhibit F).


In accordance with the facts stated above, Applicants believe that the abandonment for the present application is unwarranted and respectfully request that the abandonment be withdrawn.

As stated in M.P.E.P. § 711.03(c), this Petition does not require a fee. If there are any other fees due in connection with the filing of this Petition, however, including any fees required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 20, 2004

By: 
Andrew B. Schwaab
Reg. No. 38,611

Finnegan Henderson Farabow
Garrett & Dunner L.L.P.
1300 I Street, NW
Washington, D.C. 20005
(202) 408-4000



App'n. No. 09/870,801

Petition re: Notice of Abandonment mailed 5/20/04

PATENT

Customer No. 22,852

Attorney Docket No. 7451.0001-18000

InterTrust Ref. No.: IT-5.2.1.1 (US)

Attachments:

- Exhibit A – Copy of Notice of Abandonment.
- Exhibit B – Copy of full Amendment and Response to Office action and Petition for Extension of Time filed with the Office on March 26, 2004, as filed, including all relevant associated papers and date-stamped postcard showing receipt by the Office.
- Exhibit C – Copy of date-stamped postcard showing receipt of all of the listed papers by the Office.
- Exhibit D – Copy of Finnegan, Henderson's monthly statement of deposit account, indicating receipt, by the Office, of papers associated with this application sufficient to effect such deductions.
- Exhibit E – Copy of date-stamped postcard showing receipt of Information Disclosure Statement / form PTO-1449 and Notice of Pending Litigation, papers also lost by the Office in 2002.
- Exhibit F – Copy of date-stamped postcard showing receipt of Updated Notice of Regarding Related Litigation, another papers lost by the Office, in 2003.



UNITED STATES PATENT AND TRADEMARK OFFICE

701
MCE/LJT/ABS/MZM
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,801	06/01/2001	Karl L. Ginter	7451.0001-18000	9392
22852	7590	05/20/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			DARROW, JUSTIN T	
			ART UNIT	PAPER NUMBER
			2132	8

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
MAY 24 2004
FINNEGAN HENDERSON
GARRETT & DUNNER

Petition due 07.10.04

Added 1ms
05.10.04

	Application No.	Applicant(s)	
Notice of Abandonment	09/870,801	GINTER ET AL.	
	Examiner	Art Unit	
	Justin T. Darrow	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 September 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.


3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:


JUSTIN T. DARROW
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. If waiver of signature is requested, delivery must be made without obtaining signature of addressee or addressee's agent (if delivery employee uses that title, can be held in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
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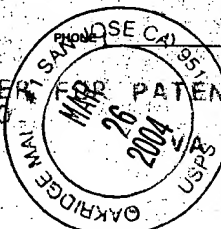
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A. Schuchman
FINNEGAN HENDERSON FARABOW
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MCE/LJT/ABJ

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Application of: GINTER et al.

Application No.: 09/870,801

Filed: June 1, 2001

Group Art Unit: 2132

Examiner: DARROW, Justin T.



For: SYSTEMS AND METHODS FOR SECURE TRANSACTION MANAGEMENT AND ELECTRONIC RIGHTS PROTECTION

1. Response to OA (19 pages)w/ 3 attachments; (Attachment # 1) Notice of Litigation (w/ Exhibits), filed 10/31/02, (Attachment # 2) CD-ROM containing references from IDS filed 10/31/02, and (Attachment # 3) Updated Notice of Related Litigation (w/ attachments) filed 4/3/03;
2. Petition for 3 Month Extension of Time (1 page);
3. Third Updated Notice Regarding Related Litigation (3 pages), with Exhibits 1-2, and CD ROM containing material from Exhibit 2 (Ex. B & C);
4. Information Disclosure Statement (2 pages);
5. Form PTO-1449 (38 pages);
6. 2 CD-ROMs containing IDS References;
7. Information Disclosure; Notice of Interference (3 pages), with Exhibits A-G; and
8. Please charge fee of \$1,310.00 to Deposit Account No. 06-0916.

Express Mail No.: EV 398888246 US

Dated : March 26, 2004

Attorney: Andrew B. Schwaab

Docket No.: 07451.0001-18000

Mail Drop: CA

DKH/KAL/4824

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Application of: GINTER et al.

Application No.: 09/870,801

Filed: June 1, 2001

Group Art Unit: 2132

Examiner: DARROW, Justin T.

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8. Please charge fee of \$1,310.00 to Deposit Account No. 06-0916.

Express Mail No.: EV 398888246 US

Attorney: Andrew B. Schwaab

Mail Drop: CA

Dated : March 26, 2004

Docket No.: 07451.0001-18000

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Technology Center 2100

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Application of: Karl L. Ginter, et al.

Serial No.: 09/870,801

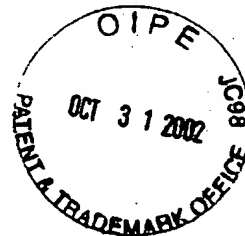
Group Art Unit: 2132

Filed: June 1, 2001

Examiner: G. Barron, Jr.

For: SYSTEMS AND METHODS FOR SECURE TRANSACTION MANAGEMENT AND
ELECTRONIC RIGHTS PROTECTION

-
1. Information Disclosure Statement (2 pages)
 2. Form PTO-1449 (3 pages)
 3. 48 references
 4. Notice of Pending Litigation (4 pages)
 5. Exhibits A-M



Dated: October 31, 2002

Attorney: Karna J. Nisewaner

Docket No.: 07451.0001-18000

Mail Drop: CA

Dkt 10-01-02 pme



PATENT
Customer Number 22,852
Attorney Docket No. 07451.0001.18
InterTrust Ref. No.: IT-5.2.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Karl L. GINTER et al.) Group Art Unit: 2132
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Serial No.: 09/870,801) Examiner: G. Barron, Jr.
)
Filed: June 1, 2001)
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For: SYSTEMS AND METHODS FOR)
SECURE TRANSACTION)
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ELECTRONIC RIGHTS)
PROTECTION)

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AUG 03 2004

Technology Center 2100

Commissioner for Patents
Washington, DC 20231

Sir:

NOTICE REGARDING RELATED LITIGATION

Applicants hereby notify the U.S. Patent and Trademark Office that several patents assigned to InterTrust Technologies Corporation ("InterTrust") are involved in litigation. The present application, Serial No. 09/870,801, is a continuation of U.S. Application Serial No. 09/342,899, issued as U.S. Patent No. 5,917,912, which is one of the patents at issue in the litigation. Those applications claim the benefit of priority of a common parent with U.S. Patent Nos. 6,389,402 B1; 6,253,193 B1; 6,185,683 B1; 5,982,891; 5,949,876; 5,915,019; and 5,892,900, which are also at issue in the litigation.

FINNEGAN
HENDERSON
FARABOW
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DUNNER LLP

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202.408.4000
Fax 202.408.4400
www.finnegan.com

STATUS OF RELATED LITIGATION

The status of the litigation is as follows. On April 26, 2001, InterTrust filed a Complaint alleging that Microsoft Corporation ("Microsoft") was infringing U.S. Patent No. 6,185,683 B1, assigned to InterTrust. See *InterTrust Tech. Corp. v. Microsoft Corp.* (C 01-1640 SBA, N. D. Ca.). A copy of the Complaint is attached as Exhibit A. On June 26, 2001 and July 26, 2001, InterTrust amended its complaint to add U.S. Patent Nos. 6,253,193 B1; 5,920,861; and 5,940,504.¹ See Exhibit B.

On August 29, 2001, Microsoft filed its Answer to InterTrust's Second Amended Complaint. See Exhibit C. On September 17, 2001, Microsoft filed a First Amended Answer and Counterclaims, asserting twelve affirmative defenses, including, *inter alia*, non-infringement, invalidity, dedication to the public, prosecution history estoppel, and inequitable conduct, and counterclaiming for declaratory judgments of non-infringement and invalidity of the InterTrust patents, and for infringement of U.S. Patent Nos. 6,049,671 and 6,256,668 B1, allegedly assigned to Microsoft. See Exhibit D.

On October 26, 2001, InterTrust filed a Third Amended Complaint to add U.S. Patent Nos. 5,917,912; 5,892,900; and 5,982,891. See Exhibit E. Microsoft filed its Answer and Counterclaims to InterTrust's Third Amended Complaint on November 8, 2001, see Exhibit F, and filed an Amended Answer and a "Corrected" Amended Answer on November 14 and 15, respectively, see Exhibits G and H, asserting several additional affirmative defenses and counterclaims. See, e.g., *id.* at pages 9 and 13-19.

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¹ The '504 patent was subsequently dismissed from this suit.

On February 6, 2002, InterTrust filed a second lawsuit against Microsoft, alleging infringement of U.S. Patent No. 6,157,721 ("the '721 patent"). *See Exhibit I.*² Microsoft filed its Answer and Counterclaims on March 25, 2002, and filed a First Amended Answer and Counterclaims on April 12, 2002, asserting thirteen affirmative defenses, including, *inter alia*, non-infringement, invalidity, dedication to the public, prosecution history estoppel, inequitable conduct, and unenforceability, and counterclaiming for declaratory judgment of non-infringement and invalidity. *See Exhibit J.* On June 5, 2002, Microsoft served its Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1), identifying various technologies believed by Microsoft to bear on the validity of the '721 patent. *See Exhibit K.*

On July 30, 2002, InterTrust filed a motion for leave to file a Fourth Amended Complaint, adding claims of infringement of additional InterTrust patents. This motion was granted on October 22, 2002. The Fourth Amended Complaint was filed on October 24, 2002, adding to the case claims of infringement of U.S. Patent Nos. 6,112,181; 5,915,019; 5,949,876; and 6,389,402 B1. *See Exhibit L.*

On August 16, 2002, Microsoft served its Preliminary Invalidity Contentions Regarding U.S. Patent Nos. 6,253,193 B1 and 6,185,683 B1 ("Preliminary Invalidity Contentions"). *See Exhibit M.* In its Preliminary Invalidity Contentions, Microsoft asserts that certain claims in those patents are indefinite, lack enablement, and lack an adequate written description. Microsoft also asserts that certain claims are anticipated or rendered obvious by various references. *See id.* at pages 3-7.

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DUNNER LLP

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² This case has since been consolidated with the case filed April 26, 2001.

REMARKS

In support of its claim that InterTrust's U.S. Patent Nos. 5,892,900; 5,920,861; and 6,157,721 are unenforceable, Microsoft cites three references: (1) an article entitled DigiBox: A Self-Protecting Container for Information Commerce, by Olin Sibert et al. ("the Sibert article"); (2) PCT Publication No. WO 96/27155 ("the PCT Publication"); and (3) U.S. Patent No. 5,910,987 ("the '987 patent"). Applicants note that the Sibert article was cited in connection with the present application in an IDS filed November 13, 2001. Applicants also note that the PCT Publication is the international counterpart of U.S. Application No. 08/388,107 ("the '107 application"), a parent of the present application, and that the '987 patent is a continuation of the '107 application.

If there are any fees due with the filing of this Notice not already accounted for, please charge the fees to our Deposit Account No. 06-0916

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 30, 2002

By: 

Karna J. Nisewaner
Reg. No. 50,665

FINNEGAN
HENDERSON
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GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
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Fax 202.408.4400
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PATENT
Customer No. 22,852
Attorney Docket No. 7451.0001-18
InterTrust No.: IT-5.2.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Karl L. GINTER, et al.)	Group Art Unit: 2132
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Application No.: 09/870,801)	Examiner: G. Barron, Jr.
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Filed: June 1, 2001)	
)	
For: SYSTEMS AND METHODS FOR)	
SECURE TRANSACTION)	
MANAGEMENT AND ELECTRONIC)	
RIGHTS PROTECTION)	

Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application. Applicants also submit herewith copies of the listed documents.

The documents cited herein were cited by Microsoft in the InterTrust Tech. Corp. v. Microsoft Corp. litigation (C 01-1640 SBA, N. D. Ca.), which involves patents related to this patent application. See Notice Regarding Related Litigation, filed concurrently herewith. Some or all of these documents may have been previously cited in other Information Disclosure Statements filed in this application to which those applications

claim priority under 35 U.S.C. §120. However, out of an abundance of caution, Applicants are bringing these documents to the Examiner's attention along with the additional information that these documents have been mentioned in the litigation. Applicants respectfully request that the Examiner consider the listed references and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 30, 2002

By: _____
Karna J. Nisewaner
Reg. No. 50,665

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07451.0001-18000	Appln. No.	09/870,801
Applicant	Karl L. Ginter, et al.		
Filing Date	June 1, 2001	Group:	2132

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,658,093	04-14-87	Hellman	380	25	07-11-83
	5,530,235	06-25-96	Stefik, et al.	235	492	02-16-95
	5,534,975	07-09-96	Stefik, et al.	355	202	05-26-95
	5,603,031	02-11-97	White et al.	395	683	07-08-93
	5,629,980	05-13-97	Stefik, et al.	380	4	11-23-94
	5,634,012	05-27-97	Stefik, et al.	395	239	11-23-94
	5,638,443	06-10-97	Stefik, et al.	380	4	11-23-94
	5,715,403	02-03-98	Stefik	395	244	11-23-94
	6,016,393	01-18-00	White, et al.	395	683	02-10-97

Examiner Initial*	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 93/01550	01-21-93	PCT	G06F	11/34	
	EP 0715243 A1	06-05-96	EPO	G06F	1/00	
	EP 0715244 A1	06-05-96	EPO	G06F	1/00	
	EP 0715245 A1	06-05-96	EPO	G06F	1/00	
	EP 0715246 A1	06-05-96	EPO	G06F	1/00	
	EP 0715247 A1	06-05-96	EPO	G06F	1/00	

Examiner Initial*	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)
	Abadi, M., et al., "Authentication and Delegation with Smart-cards," Technical Report 67, DEC Systems Research Center, October 1990, available at < http://citeseer.nj.nec.com/article/abadi92authentication.html >, pp. 1-19.
	Blaze, M., "A Cryptographic File System for Unix," pre-print of paper for First ACM Conference on Computer and Communications Security, Fairfax, Virginia, Nov. 3-5, 1993, pp. 1-8.
	Blaze, M., "Key Management in an Encrypting File System," Proc. Summer '94 USENIX Tech. Conference, Boston, MA. June 1994, available at < http://www.usenix.org/publicaitons/libratry/proceedings/bos94/full_papers/blaze.asp >, pp. 1-12.
	Castano, S., et al., "Database Security," Addison-Wesley & Acm Press, 1995
	Chaum, D., "Achieving Electronic Privacy," Scientific American, August 1992, pp. 96-101.

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07451.0001-18000	Appln. No.	09/870,801
Applicant	Karl L. Ginter, et al.		
Filing Date	June 1, 2001	Group:	2132

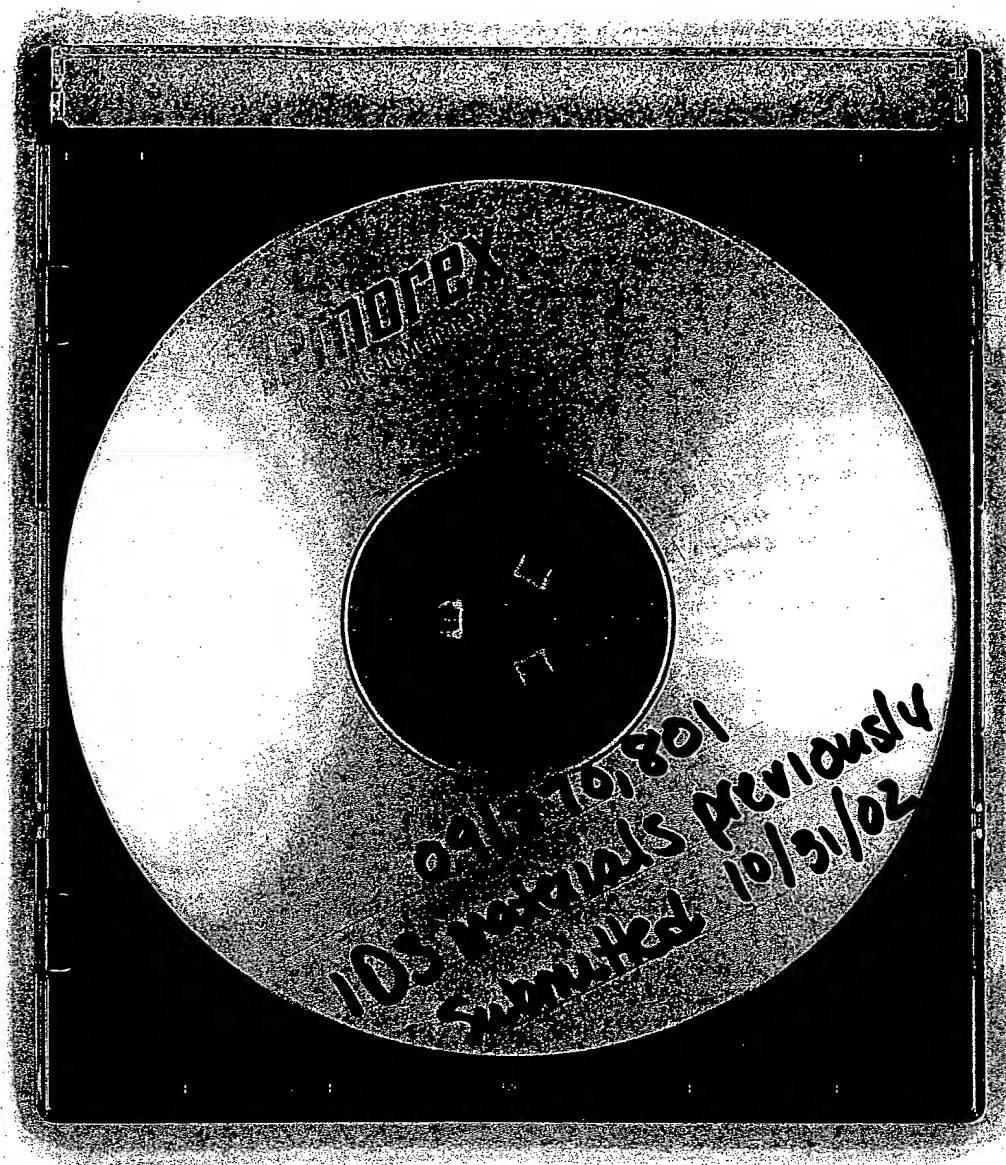
	Chaum, D., et al. "Wallet databases with observers," Ernest F. Brickell, editor, Advances in Cryptology - CRYPTO '92, 12 th Annual International Cryptology Conference, Santa Barbara, CA, August 16-20, 1992, Proceedings, pp. 89-105.
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	"List of Articles," < www.chaum.com/articles/list-of-articles.htm >, as on August 23, 2002, 4 pages.
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	Cox, B., "What if there is a Silver Bullet and the competition gets it first?" Journal of Object-Oriented Programming, June 1992, available at < http://www.virtualschool.edu/cox/CoxWhatIfSilverBullet.html >, pp. 1-5.
	CUPID Protocols and Services (Version 1): "An Architectural Overview," November 1992, available at < http://www.cni.org/projects/CUPID >, 25 pages.
	Custer, H. "Inside Windows NT," Microsoft Press, Redmond WA, 1993.
	Denning, D. E., et al., "Data Security," 11 Computing Surveys, No. 3, Sept. 1979, pp. 227-249.
	Denning, D. E., "Secure Personal Computing in an Insecure Network," Communications of the ACM, August, 1979, Vol. 22, No. 8, pp. 476-482.
	Ioannidis, J., et al., "The Architecture and Implementation of Network-Layer Security Under Unix," Fourth USENIX Security Symposium Proceedings (Oct.), USENIX, Berkeley, Calif. 1993, pp. 1-11.
	Kohl, J., et al., "The Kerberos Network Authentication Service (V 5)," Network Working Group Request for Comments RFC-1510, September 1993, pp. 1-104.
	Kohl, U, et al., "Safeguarding Digital Library Contents and Protecting Documents Rather Than Channels," in <i>D-lib Magazine</i> , September 1997, available at < http://www.dlib.org/dlib/september97/ibm/09lotspiech.html >, pp. 1-9.
	Lampson, B., et al., "Authentication in Distributed Systems: Theory and Practice," ACM Trans. Computer Systems, Vol. 10, No. 4 (Nov. 1992), pp. 265-310.
	Mori, R. et al., "Superdistribution The Concept and the Architecture," The Transactions of the IEICE, Vol. E73, No. 7, Tokyo Japan, July 1990, pp. 1133-1146.
	Olivier, MS, et al., "A Taxonomy for Secure Object-oriented Databases," ACM Transactions on Database Systems, Vol. 19, No. 1, March 1994, pp. 3-46.
	Olivier, MS, et al., "Building a Secure Database using Self-protecting Objects," Computers & Security, Vol. 11, No. 3, 259-271, 1992.
	Olivier, MS, et al., "Secure Object-oriented Databases," Ph.D. Thesis, Rand Afrikaans University, Johannesburg, December 1991, pages I to xiv and 1-183.
	Olivier, MS, et al., "DISCO: A Discretionary Security Model for Object-oriented Databases," in GG Gable and WJ Caelli, Eds., IT Security: The Need for International Cooperation, pp. 345-357, Elsevier Science Publishers B.V. (North Holland), 1992.

INFORMATION DISCLOSURE CITATION

Atty. Docket No. 07451.0001-18000	Appln. No. 09/870,801
Applicant Karl L. Ginter, et al.	
Filing Date June 1, 2001	Group: 2132

	Coalition for Networked Information, Interactive Multimedia Association, John F. Kennedy School of Government, "Proceedings: Technological Strategies for Protecting Intellectual Property in the Networked Multimedia Environment," 1994, Journal of the Interactive Multimedia Association, available at < http://www.cni.org/docs/ima.ip-workshop >, 308 pages.
	Siebert, O., et al. "Digibox: A Self-Protecting Container for Information Commerce," Proceedings of the First USENIX Workshop on Electronic Commerce, New York, NY, July 1995, pp. 1-13.
	Stefik, M., "Letting Loose the Light: Igniting Commerce in Electronic Publication," Xerox PARC, Palo Alto, CA, 1994-1995, 35 pages.
	Stefik, M., "Letting Loose the Light: Igniting Commerce in Electronic Publication, in Internet Dreams: Archetypes, Myths, and Metaphors," Massachusetts Institute of Technology, 1996, pp. 219-53.
	Stefik, M., Chapter 7, Classification in "Introduction to Knowledge Systems," Morgan Kaufmann Publishers, Inc., 1995, pp. 543-607.
	Tygar, J.D., et al., "Cryptography: It's Not Just for Electronic Mail Anymore," CMU-CS-93-107, School of Computer Science Carnegie Mellon University, Pittsburgh, PA, March 1, 1993, pp. 1-21.
	Tygar, J.D., et al., "Dyad: A System for Using Physically Secure Coprocessors," School of Computer Science, Carnegie Mellon University, Pittsburgh, PA, pp. 1-41
	Tygar, J.D., et al., "Strongbox: A System for Self Securing Programs," CMU Computer Science: 25 th Anniversary Commemorative, R. Rashid (ed.) Addison-Wesley, 1991.
	White, J.E., "Telescript Technology: The Foundation for the Electronic Marketplace," General Magic, 1994.
	Wobber, E., et al., "Authentication in the Taos Operating System," an extended version of a paper presented at the 14 th ACM Symposium on Operating System Principles, December 1993, pp. 1-38.

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
<p>Form PTO 1449 Patent and Trademark Office - U.S. Department of Commerce</p>	



ME-L7-KJN

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Application of: Karl L. GINTER, et al.

Serial No.: 09/870,801

Group Art Unit: 2132

Filed: June 1, 2001

Examiner: G. Barron, Jr.

For: SYSTEMS AND METHODS FOR SECURE TRANSACTION MANAGEMENT AND
ELECTRONIC RIGHTS PROTECTION

-
1. Updated Notice Regarding Related Litigation (4 pages), with Exhibits 1-11.

Dated: April 3, 2003

Docket No.: 07451.0001-18000

Attorney: Karna J. Nisewaner

Mail Drop: CA



DKD
4-4-03

PATENT
Customer Number 22,852
Attorney Docket No. 07451.0001.18
InterTrust Ref. No.: IT-5.2.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Karl L. GINTER et al.) Group Art Unit: 2132
)
Serial No.: 09/870,801) Examiner: G. Barron, Jr.
)
Filed: June 1, 2001)
)
For: SYSTEMS AND METHODS FOR)
SECURE TRANSACTION)
MANAGEMENT AND)
ELECTRONIC RIGHTS)
PROTECTION)

Commissioner for Patents
Washington, DC 20231

Sir:

UPDATED NOTICE REGARDING RELATED LITIGATION

Further to the submission of the Notice Regarding Related Litigation on October 31, 2002, Applicants submit this Updated Notice to inform the Examiner of the status of the litigation case between InterTrust and Microsoft, entitled InterTrust Tech. Corp. v. Microsoft Corp. (C 01-1640 SBA, N. D. Ca.). Applicants also submit copies of papers exchanged by the parties in the course of this litigation. Many of these papers relate to claim construction.

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STATUS OF RELATED LITIGATION

On October 24, 2002, InterTrust filed a Fourth Amended Complaint, adding to the case claims of infringement of U.S. Patent Nos. 6,112,181; 5,915,019; 5,949,876; and 6,389,402 B1. See Exhibit 1.

On November 1, 2002, Judge Sandra Armstrong signed an Order granting, in part, Microsoft's Motion for a Partial Stay. See Exhibit 2. On November 5, 2002, Judge Armstrong signed a Further Case Management Order. See Exhibit 3. Both orders listed the claims which were selected to be the subject of a "mini-Markman" and "indefiniteness" hearing. The case management order set out a timeline for the exchange and submission of Patent Local Rule (PLR) materials. The following chart lists the claims selected to be the subject of the PLR materials and the mini-Markman hearing.

U. S. Patent Number	Claim(s)
6,253,193	1, 11, 15, 19
6,157,721	1, 34
5,917,912	8, 35
5,920,861	58
5,982,891	1
6,185,683	2
5,892,900	155

On November 7, 2002, Microsoft filed its Answer and Counterclaims to InterTrust's Fourth Amended Complaint. See Exhibit 4.

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On November 8, 2002, under PLR 4-1, the parties exchanged proposed terms and claim elements for construction. See Exhibits 5 & 6.

On December 20, 2002, under PLR 4-2, the parties exchanged preliminary claim constructions and extrinsic evidence supporting the claim constructions. See Exhibits 7 & 8. Microsoft's PLR 4-2 Disclosure (Exhibit 8) includes Exhibits A-G¹. Exhibit 8D contains copies of excerpts from dictionaries and other publications. Due to the volume of the appended pages, Applicants have provided a list of the source dictionaries and publications in place of the excerpted pages. Exhibit 8F as submitted by Microsoft contains a list of selected, uncited prior art publications, identified by bates numbers used by the parties in the litigation. For clarification, Applications have added a list identifying each document in Exhibit 8F by name. Exhibit 8G as submitted by Microsoft contains a list of selected, uncited prior art patents, also identified by bates numbers. Applications have added a list identifying each of the listed documents by patent number. On January 10, 2003, Microsoft submitted revised Exhibits 8F and 8G, in which the number of references was reduced. Applications have identified the documents in the revised lists in bold.

On February 3, 2003, under PLR 4-3, the parties filed a Joint Claim Construction and Prehearing Statement. See Exhibit 9.

On March 17, 2003, InterTrust filed InterTrust's Opening Claim Construction Brief. See Exhibit 10. On March 17, 2003, Microsoft filed Microsoft's Brief in Support of

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¹ To distinguish Exhibits A-G of Exhibit 8 from Exhibits A-G of Exhibit 9, Applicants will hereinafter refer to Exhibits A-G of Exhibit 8 as Exhibits 8A-8G.

Motion for Summary Judgment that certain "Mini-Markman" Claims are Invalid for Indefiniteness. See Exhibit 11.

REMARKS

Due to the voluminous number of references indicated by these papers, they have not been provided. If the Examiner would like to review any of the references from Microsoft's PLR 4-2 Disclosure or any of the exhibits from InterTrust's Opening Claim Construction Brief or Microsoft's Brief in Support of Motion for Summary Judgment, Applicants invite the Examiner to contact the undersigned at (650) 849-6643 and Applicants will provide them.

If there are any fees due with the filing of this Notice not already accounted for, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 2, 2003

By: 

Karna J. Nisewaner
Reg. No. 50,665

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PATENT
Customer No. 22,852
Attorney Docket No. 7451.0001-18
InterTrust Ref. No.: 5.2.1.1 (US)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 26, 2004. Express Mail Label Nos.: EV 398888246 US

Signed: Cindy Baglietto
Cindy Baglietto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Karl L. GINTER et al.) Group Art Unit: 2132
)
Application No.: 09/678,252) Examiner: DARROW, Justin T.
)
Filed: June 1, 2001)
)
For: SYSTEMS AND METHODS FOR)
SECURE TRANSACTION)
MANAGEMENT AND)
ELECTRONIC RIGHTS)
PROTECTION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

THIRD UPDATED NOTICE REGARDING RELATED LITIGATION

Further to the submission of the prior Updated Notices Regarding Related Litigation, Applicants submit this Third Updated Notice to inform the Examiner of the status of the ongoing litigation between InterTrust and Microsoft, captioned InterTrust Tech. Corp. v. Microsoft Corp. (C 01-1640 SBA, N. D. Ca.). Applicants also submit herewith potentially relevant copies of the papers exchanged by the parties in the course of this litigation.

STATUS OF RELATED LITIGATION

Dated September 2, 2003, and attached as Exhibit 1 hereto, is InterTrust's Disclosures of Asserted Claims and Preliminary Infringement Contentions Pursuant to Patent Local Rules 3-1 and 3-2 with Exhibits A and B. Exhibit C has not been provided because (1) it is marked "Confidential - Subject to Protective Order" and "Attorneys Eyes Only" (as it pertains to proprietary Microsoft information); and (2) it is not material to the patentability of the pending claims, as it contains only information pertaining to Microsoft's current products and systems.

On November 17, 2003, Microsoft filed Defendant Microsoft Corporation's Preliminary Invalidity Contentions (Patent Local Rules 3-3 and 3-4). See Exhibit 2.

REMARKS

Applicants submit this Third Updated Notice Regarding Related Litigation in fulfillment of their duty to disclose information potentially material to patentability under 37 CFR 1.56. Applicants encourage the Examiner to carefully review the attached documents, and let Applicants know if any additional information is desired.

With this Notice, Applicants have provided copies of the papers described in the Status of Related Litigation section above. Furthermore, a voluminous number of documents have been referred to in the Microsoft paper attached as Exhibit 2 (specifically, in Exhibit A, attached thereto). All of the references listed in Exhibit A which have not already been cited in this application are listed on an Information Disclosure Statement filed contemporaneously with this Third Updated Notice (March 26, 2004), and copies of the cited documents were provided on CD-ROM therewith.

Furthermore, Applicants urge the Examiner to also review Exhibits B and C, exhibits to Microsoft's Preliminary Invalidity Contentions, which comprise an extensive listing of claim charts pertaining to the patents-in-suit. Exhibits B and C are provided in electronic format (via CD-ROM, sent with this Notice) due to their sizeable page length.

As always, if the Examiner believes that any document not yet submitted may be helpful in resolving an issue before him and would like to review that or any other document, Applicants invite the Examiner to contact the undersigned at (650) 849-6643.


If there are any fees due with the filing of this Notice which have not yet been paid, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 26, 2004

By: _____


Andrew B. Schwaab
Reg. No. 38,611

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I Street, N.W.
Washington, D.C. 20005-3315

MEMORE

Exhibits B & C to "Defendant
Microsoft Corporation's
Preliminary Injunction
Contention"

Appln. No. 09/870,801
Infor. Discl. Stmt. dated March 26, 2004

PATENT
Customer No. 22,852
Attorney Docket No. 7451.0001-18
InterTrust Ref. No.: IT-5.2.1.1 (US)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 26, 2004. Express Mail Label Nos.: EV 398888246 US

Signed: _____

Cindy Baglietto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GINTER et al.

Application No.: 09/870,801

Filed: June 1, 2001

For: SYSTEMS AND METHODS FOR
SECURE TRANSACTION
MANAGEMENT AND
ELECTRONIC RIGHTS
PROTECTION

)
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) Group Art Unit: 2132

)
) Examiner: DARROW, Justin T.
)
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)
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Applicants were made aware of the references listed on the attached form PTO-1449 predominantly as a result of the related Microsoft litigation. They are being submitted in electronic format via two (2) CD-ROMs attached hereto.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

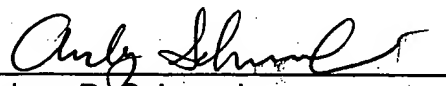
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 26, 2004

By: 
Andrew B. Schwaab
Reg. No. 38,611

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07451.0001-18000	Appln. No.	09/870,801
Applicant	Karl L. Ginter, et al.		
Filing Date	June 01, 2001	Group:	2132

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	3,573,747	04/06/71	Adams, et al.			
	3,790,700	02/05/74	Callais, et al.			
	3,806,874	04/21/74	Ehrat			
	3,845,391	10/29/74	Crosby			
	3,946,200	03/23/76	Juodikis			
	3,996,449	12/07/76	Attanasio et al.			
	4,020,326	04/26/77	Coulthurst			
	4,104,721	08/01/78	Markstein et al.			
	4,162,483	07/24/79	Entenman			
	4,183,085	01/08/80	Roberts et al.			
	4,246,638	01/20/81	Thomas			
	4,259,720	03/31/81	Campbell			
	4,278,837	07/14/81	Best			
	4,321,672	03/23/82	Braun et al.			
	4,405,829	09/20/83	Rivest et al.			
	4,442,484	04/10/84	Childs, Jr et al.			
	4,471,216	09/11/84	Herve			
	4,523,271	06/11/85	Levien			
	4,525,599	06/25/85	Curran et al.			
	4,529,870	07/16/85	Chaum			
	4,562,305	12/31/85	Gaffney, Jr.			
	4,573,119	02/25/86	Westheimer et al.			
	4,578,530	03/25/86	Zeidler			
	4,584,639	04/22/86	Hardy			
	4,590,552	05/20/86	Gutttag et al.			
	4,593,183	06/03/86	Fukatsu			
	4,598,288	07/01/86	Yarbrough et al.			
	4,599,489	07/08/86	Cargile			

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07451.0001-18000	Appln. No.	09/870,801
Applicant	Karl L. Ginter, et al.		
Filing Date	June 01, 2001	Group:	2132

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,609,777	09/02/86	Cargile			
	4,609,985	09/02/86	Dozier			
	4,621,321	11/04/86	Boebert et al.			
	4,621,334	11/04/86	Garcia			
	4,622,222	11/11/86	Horváth et al.			
	4,672,605	06/09/87	Hustig et al.			
	4,677,552	06/30/87	Sibley, Jr.			
	4,683,968	08/04/87	Appelbaum et al.			
	4,700,296	10/13/87	Palmer, Jr. et al.			
	4,727,550	02/23/88	Chang et al.			
	4,780,821	10/25/88	Crossley			
	4,796,220	01/03/89	Wolfe			
	4,798,209	01/27/89	Klingenbeck, et al.			
	4,816,655	03/28/89	Musyck et al.			
	4,817,140	03/28/89	Chandra, et al.			
	4,827,508	05/02/89	Shear			
	4,864,616	09/05/89	Pond et al.			
	4,866,769	09/12/89	Karp			
	4,868,736	09/19/89	Walker			
	4,888,798	12/19/89	Earnest			
	4,893,248	01/09/90	Pitts et al.			
	4,893,332	01/09/90	Brown			
	4,919,545	04/24/90	Yu			
	4,926,480	05/15/90	Chaum			
	4,937,863	06/26/90	Robert et al.			
	4,941,175	07/10/90	Enescu et al.			
	4,953,209	08/28/90	Ryder, Sr. et al.			
	4,962,533	10/09/90	Krueger et al.			

INFORMATION DISCLOSURE CITATION

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	4,975,647	12/04/90	Downer et al.			
	4,975,878	12/04/90	Boddu et al.			
	4,995,082	02/19/91	Schnorr			
	5,014,234	05/07/91	Edwards, Jr.			
	5,022,080	06/04/91	Durst et al.			
	5,027,397	06/25/91	Double et al.			
	5,032,979	07/16/91	Hecht et al.			
	5,058,162	10/15/91	Santon et al.			
	5,065,429	11/12/91	Lang			
	5,079,648	01/07/92	Maufe			
	5,103,459	04/07/92	Gilhausen et al.			
	5,109,413	04/28/92	Comerford et al.			
	5,113,518	05/12/92	Durst, Jr. et al.			
	5,126,936	06/30/92	Champion, et al.			
	5,129,084	07/07/92	Kelly, Jr. et al.			
	5,138,712	08/11/92	Corbin			
	5,150,407	09/22/92	Chan			
	5,164,988	11/17/92	Matyas et al.			
	5,191,573	03/02/93	Hair			
	5,199,066	03/30/93	Logan			
	5,199,074	03/30/93	Thor			
	5,204,897	04/20/93	Wyman			
	5,206,951	04/27/93	Khoyi et al.			
	5,218,605	06/08/93	Low et al.			
	5,222,134	06/22/93	Waite, et al.			
	5,227,797	07/13/93	Murphy			
	5,241,671	08/31/93	Reed, et al.			
	5,251,294	10/05/93	Abelow			

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	5,260,999	11/09/93	Wyman			
	5,263,157	11/16/93	Janis			
	5,263,165	11/16/93	Janis			
	5,276,901	01/04/94	Howell et al.			
	5,283,830	02/01/94	Hinsley et al.			
	5,287,407	02/15/94	Holmes			
	5,291,598	03/01/94	Grundy			
	5,301,326	04/05/94	Linnett et al.			
	5,319,735	06/07/94	Preuss et al.			
	5,325,524	06/28/94	Black et al.			
	5,335,169	08/02/94	Chong			
	5,335,346	08/02/94	Fabbio			
	5,337,357	08/09/94	Chou et al.			
	5,343,526	08/30/94	Lassers			
	5,349,642	09/20/94	Kingdon			
	5,355,474	10/11/94	Thuraisingham, et al.			
	5,359,721	10/25/94	Kempf et al.			
	5,361,359	11/01/94	Tajalli et al.			
	5,365,587	11/15/94	Campbell, et al.			
	5,367,621	11/22/94	Cohen et al.			
	5,369,702	11/29/94	Shanton			
	5,369,707	11/29/94	Follendore, III			
	5,371,792	12/06/94	Asai et al.			
	5,373,440	12/13/94	Cohen et al.			
	5,383,113	01/17/95	Kight et al.			
	5,390,297	02/14/95	Barber et al.			
	5,412,717	05/02/95	Fischer			
	5,418,713	05/23/95	Allen			

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	5,420,927	05/30/95	Michali			
	5,421,006	05/30/95	Jablon et al.			
	5,432,851	07/11/95	Scheidt et al.			
	5,432,928	07/11/95	Sherman			
	5,438,508	08/01/95	Wyman			
	5,440,634	08/08/95	Jones et al.			
	5,450,490	09/12/95	Jensen et al.			
	5,457,747	10/10/95	Drexler et al.			
	5,458,494	10/17/95	Krohn et al.			
	5,490,216	02/06/96	Ricahrdson III			
	5,524,933	06/11/96	Kunt et al.			
	5,534,855	07/09/96	Shockley et al.			
	5,535,322	07/09/96	Hecht			
	5,557,798	09/17/96	Skeen et al.			
	5,574,962	11/12/96	Fardeau et al.			
	5,577,209	11/19/96	Boyle et al.			
	5,581,800	12/03/96	Fardeau et al.			
	5,603,031	02/11/97	White et al.			
	5,625,693	04/29/97	Rohatgi et al.			
	5,629,770	05/13/97	Brassil et al.			
	5,634,012	05/27/97	Stefik et al.			
	5,636,276	06/03/97	Brugger			
	5,649,099	07/15/97	Theimer et al.			
	5,671,279	09/23/97	Elgamal			
	5,678,170	10/14/97	Grube, et al.			
	5,689,565	11/18/97	Spies et al.			
	5,689,566	11/18/97	Nguyen			
	5,692,047	11/25/97	McManis			

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	5,699,427	12/16/97	Chow et al.			
	5,715,314	02/03/98	Payne et al.			
	5,715,403	02/03/98	Stefik			
	5,721,788	02/24/98	Powell, et al.			
	5,721,788	02/24/98	Powell et al.			
	5,724,424	03/03/98	Gifford			
	5,724,425	03/03/98	Chang, et al.			
	5,732,398	03/24/98	Tagawa			
	5,765,152	06/09/98	Erickson			
	5,774,872	06/30/98	Golden, et al.			
	5,787,334	07/28/98	Fardeau et al.			
	5,802,590	09/01/98	Draves			
	5,845,281	12/01/98	Benson et al.			
	5,892,899	04/06/99	Aucsmith et al.			
	5,910,987	06/08/99	Ginter et al.			
	5,940,504	08/17/99	Griswold			
	5,956,408	09/21/99	Arnold			
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	5,978,484	11/02/99	Apperson et al.			
	5,999,949	12/99	Crandall			
	6,016,393	01/18/00	White et al.			
	6,102,965	08/00	Dye et al.			
	6,135,646	10/24/00	Kahn et al.			
	6,363,488	3/02	Ginter et al.			
	6,389,402	5/02	Ginter et al.			
	6,427,140	7/02	Ginter et al.			
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Applicant	Karl L. Ginter, et al.		
Filing Date	June 01, 2001	Group:	2132

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Applicant	Karl L. Ginter, et al.		
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Examiner	Date Considered
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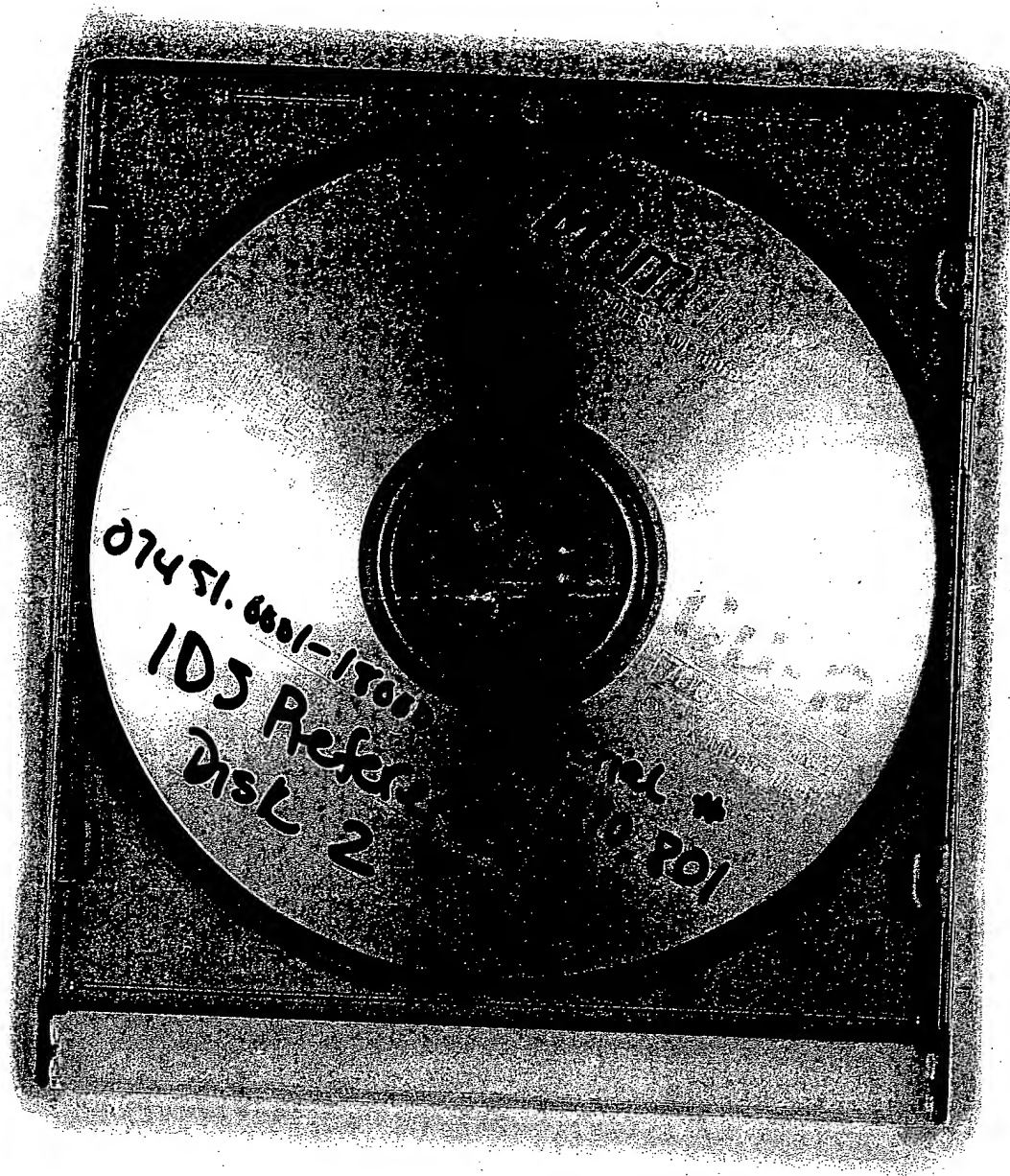
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Signed: _____

Cindy Baglietto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GINTER et al.

Application No.: 09/870,801

Filed: June 1, 2001

For: SYSTEMS AND METHODS FOR
SECURE TRANSACTION
MANAGEMENT AND
ELECTRONIC RIGHTS
PROTECTION

Group Art Unit: 2132

Examiner: DARROW, Justin T.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE UNDER 37 C.F.R. § 1.56:
NOTICE OF INTERFERENCE

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants submit this Information Disclosure/IDS to bring to the attention of the Examiner the information below. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p); please charge this fee to our Deposit Account No. 06-0916. This submission is being filed after the events

recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance.

Applicants hereby advise the Examiner that U.S. Pat. Appln. No. 09/411,205 ("the Ginter '205 application"), assigned to InterTrust Technologies Corporation, has become involved in an interference, entitled Benson v. Ginter, Patent Interference No. 105,142. Applicants enclose a copy of the Notice Declaring Interference, dated September 4, 2003 (Exhibit A), as well as attachments to the Notice.

The interference has been declared between the Ginter '205 application and U.S. Patent No. 5,845,281 to Benson (Benson I), U.S. Patent Appln. No. 09/164,606 to Benson (Benson II), and U.S. Patent Appln. No. 09/321,386 to Benson (Benson III). A copy of Benson I is attached as Exhibit B, while Exhibits C and D are listings of the claims of Benson II and III. The instant application and Ginter '205 both claim priority from the same ancestor application, Appln No. 08/388,107. The claims of the involved Ginter '205 application are attached as Exhibit E. The three Counts in the interference are described in Part F of the Notice (Exhibit A) and again in the Examiner's Interference Memorandum and accompanying comments, attached hereto as Exhibit F.

A second interference involving Macrovision and InterTrust was declared on December 18, 2003. A copy of the Notice is attached hereto as Exhibit G. Interference No. 105,193 involved InterTrust patents U.S. Pat Nos. 5,920,861; 5,982,891; 6,138,119; and 6,253,193, and Benson patent applications Benson II and III. The instant application and U.S. Patent Nos. 5,982,891 and 6,253,193 all claim the benefit of priority of the same parent application, Appln No. 08/388,107.

The co-pending subject application is also assigned to InterTrust and may claim related subject matter to the involved Ginter '205 application. In addition, the co-pending subject application may be related to the Ginter '205 application by: 1) claiming the benefit of priority of the Ginter '205 application or any of its parent applications; 2) incorporating by reference the Ginter '205 application or any of its parent applications; and/or 3) containing statements that it is or may be related to the Ginter '205 application or any of its parent applications.

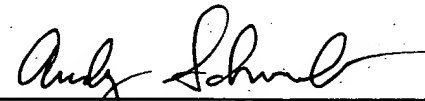
If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 26, 2004

By: _____



Andrew B. Schwaab
Reg. No. 38,611

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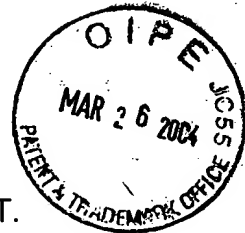
In re Application of: GINTER et al.

Application No.: 09/870,801

Group Art Unit: 2132

Filed: June 1, 2001

Examiner: DARROW, Justin T.



For: SYSTEMS AND METHODS FOR SECURE TRANSACTION MANAGEMENT AND ELECTRONIC RIGHTS PROTECTION

1. Response to OA (19 pages) w/ 3 attachments; (Attachment # 1) Notice of Litigation (w/ Exhibits), filed 10/31/02, (Attachment # 2) CD-ROM containing references from IDS filed 10/31/02, and (Attachment # 3) Updated Notice of Related Litigation (w/ attachments) filed 4/3/03;
2. Petition for 3 Month Extension of Time (1 page);
3. Third Updated Notice Regarding Related Litigation (3 pages), with Exhibits 1-2, and CD ROM containing material from Exhibit 2 (Ex. B & C);
4. Information Disclosure Statement (2 pages);
5. Form PTO-1449 (38 pages);
6. 2 CD-ROMs containing IDS References;
7. Information Disclosure; Notice of Interference (3 pages), with Exhibits A-G; and
8. Please charge fee of \$1,310.00 to Deposit Account No. 06-0916.

Dated : March 26, 2004

Express Mail No.: EV 398888246 US

Docket No.: 07451.0001-18000

Attorney: Andrew B. Schwaab

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PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Application of: Karl L. GINTER, et al.

Serial No.: 09/870,801

Group Art Unit: 2132

Filed: June 1, 2001

Examiner: G. Barron, Jr.

For: SYSTEMS AND METHODS FOR SECURE TRANSACTION MANAGEMENT AND
ELECTRONIC RIGHTS PROTECTION

-
1. Updated Notice Regarding Related Litigation (4 pages), with Exhibits 1-11.

Dated: April 3, 2003

Docket No.: 07451.0001-18000

Attorney: Karna J. Nisewaner

Mail Drop: CA



DK 20
4-4-03